



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### PIEDMONT REGIONAL OFFICE

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Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Michael P. Murphy  
Regional Director

April 21, 2016

Cathy Taylor, Director, Electric Environmental Services  
Virginia Electric and Power Company  
500 Coxendale Road  
Chester, VA 23836

### WARNING LETTER

RE: **WL # W2016-04-P-1008**

Dominion - Chesterfield Power Station

VPDES Industrial Stormwater General Permit, Registration No. VAR051023 (effective July 1, 2014)

Dear Ms. Taylor:

The Department of Environmental Quality ("DEQ" or "the Department") has reason to believe that Virginia Electric and Power Company may be in violation of the State Water Control Law and Regulations at the Dominion - Chesterfield Power Station.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15(8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA). **DEQ requests that you respond within 20 days of the date of this letter.**

### OBSERVATIONS AND LEGAL REQUIREMENTS

*Observations:* On April 6, 2016 a representative of the Virginia Electric and Power Company informed the DEQ's Piedmont Regional Office (PRO) of a suspected unauthorized discharge from the 'Metals Pond draining system', via permitted stormwater outfall 054, at the Chesterfield Power Station. Subsequent correspondence indicated that the unauthorized discharge occurred from approximately 10:10 AM April 6, 2016 until approximately 7:00 AM April 8, 2016. The total estimated volume of the discharge was approximately 3070 gallons.

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***Legal Requirements: Part I.B.1 of VPDES Permit VAR051023 states:***

**“Allowable non-stormwater discharges. Except as provided in this section or in Part IV, all discharges covered by this permit shall be composed entirely of stormwater. The following non-stormwater discharges are authorized by this permit:**

- a. Discharges from fire fighting activities;**
- b. Fire hydrant flushings;**
- c. Potable water including water line flushings;**
- d. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;**
- e. Irrigation drainage;**
- f. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;**
- g. Routine external building washdown that does not use detergents;**
- h. Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);**
- i. Uncontaminated ground water or spring water;**
- j. Foundation or footing drains where flows are not contaminated with process materials; and**
- k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).**

**All other non-stormwater discharges are not authorized and shall either be eliminated or covered under a separate VPDES permit.”**

**ENFORCEMENT AUTHORITY**

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty of not more than \$10,000. Va. Code §§ 62.1-44.32(b) and 62.1-44.32(c) provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys' fees and costs.

**FUTURE ACTIONS**

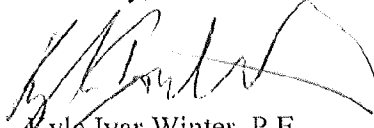
After reviewing this letter, please respond in writing to DEQ **within 20 days of the date of this letter** detailing actions you have taken or will be taking to ensure compliance with state law and regulations. If corrective action will take longer than 90 days to complete, you may be asked to sign a Letter of Agreement or enter into a Consent Order with the Department to formalize the

plan and schedule. *It is DEQ policy that appropriate, timely, corrective action undertaken in response to a Warning Letter will avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

Please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please visit the Department's website under "Laws & Regulations" and "DEQ regulations" at: [http://www.deq.virginia.gov/Portals/0/DEQ/Enforcement/Guidance/process%20for%20early%20dispute%20resolution%20no8\\_2005.pdf](http://www.deq.virginia.gov/Portals/0/DEQ/Enforcement/Guidance/process%20for%20early%20dispute%20resolution%20no8_2005.pdf) or ask the DEQ contact listed below.

Your contact at DEQ in this matter is Ms. Azra Bilalagic. Please direct written materials to her attention. If you have questions, you may reach Ms. Bilalagic directly at (804) 527-5011 or via email to [Azra.Bilalagic@deq.virginia.gov](mailto:Azra.Bilalagic@deq.virginia.gov).

Sincerely,



Kyle Ivar Winter, P.E.  
Deputy Regional Director

cc: H. Deihls – DEQ-PRO Water Compliance Manager (electronic copy)  
E. Adamson – DEQ-PRO Water Permit Manager (electronic copy)  
J. Brooks – DEQ CO Manager of Water Compliance (electronic copy)  
J. Bryan – DEQ-PRO VPDES Permits (electronic copy)  
A. Bilalagic – DEQ-PRO Water Compliance (electronic copy)  
J. Abel – DEQ-PRO VPDES Permits (electronic copy)  
J. Kazio – DEQ-PRO PRcP Coordinator (electronic copy)  
File/ECM